

HOUSE BILL No. 1132

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-2.

Synopsis: School bus trespass. Makes it school bus trespass, a Class D felony, for a person to knowingly or intentionally: (1) enter a school bus after having been denied entry by the driver of the school bus, a teacher, or a school official; (2) disrupt or interfere with the driver of a school bus while the driver is operating the school bus; or (3) refuse to leave a school bus after having been asked to leave by the driver of the school bus, a teacher, or a school official. Makes conforming amendments to the criminal trespass statute.

Effective: July 1, 2001.

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January 9, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1132

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-43-2-2, AS AMENDED BY P.L.259-1999,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 2. (a) A person who:
4 (1) not having a contractual interest in the property, knowingly or
5 intentionally enters the real property of another person after
6 having been denied entry by the other person or that person's
7 agent;
8 (2) not having a contractual interest in the property, knowingly or
9 intentionally refuses to leave the real property of another person
10 after having been asked to leave by the other person or that
11 person's agent;
12 (3) accompanies another person in a vehicle, with knowledge that
13 the other person knowingly or intentionally is exerting
14 unauthorized control over the vehicle;
15 (4) knowingly or intentionally interferes with the possession or
16 use of the property of another person without the person's consent;
17 (5) not having a contractual interest in the property, knowingly or

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intentionally enters the dwelling of another person without the person's consent; or

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

commits criminal trespass, a Class A misdemeanor. However, the offense is a Class D felony if it is committed on a scientific research facility **or** on school property or **on a school bus or** the person has a prior unrelated conviction for an offense under this section concerning the same property.

(b) A person has been denied entry under ~~subdivision~~ **subsection** (a)(1) ~~of this section~~ when the person has been denied entry by means of:

(1) personal communication, oral or written; or

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

(c) Subsections (a) and (b) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

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- 1 (v) independent contractor;
- 2 going on a railroad's right-of-way for the purpose of crossing at a
- 3 private crossing site approved by the railroad carrier to obtain
- 4 access to land that the person owns, leases, or operates.
- 5 (7) A person having written permission from the railroad carrier
- 6 to go on specified railroad property.
- 7 (8) A representative of the Indiana department of transportation
- 8 while engaged in the performance of official duties.
- 9 (9) A representative of the federal Railroad Administration while
- 10 engaged in the performance of official duties.
- 11 (10) A representative of the National Transportation Safety Board
- 12 while engaged in the performance of official duties.
- 13 SECTION 2. IC 35-43-2-4 IS ADDED TO THE INDIANA CODE
- 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2001]: **Sec. 4. (a) A person who knowingly or intentionally:**
- 16 **(1) enters a school bus after having been denied entry by the**
- 17 **driver of the school bus, a teacher, or a school official;**
- 18 **(2) disrupts or interferes with the driver of a school bus while**
- 19 **the driver is operating the school bus; or**
- 20 **(3) refuses to leave a school bus after having been asked to**
- 21 **leave by the driver of the school bus, a teacher, or a school**
- 22 **official;**
- 23 **commits school bus trespass, a Class D felony.**
- 24 **(b) A person has been denied entry under subsection (a)(1) when**
- 25 **the person has been denied entry by means of:**
- 26 **(1) oral or written personal communication; or**
- 27 **(2) posting or exhibiting a notice at the entrance to a school**
- 28 **bus in a manner that is either prescribed by law or likely to**
- 29 **come to the attention of the public.**

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